

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EASTON SPORTS, INC.  
a California corporation,

Plaintiff,

vs.

Case No. 05-CV-72031  
HON. GEORGE CARAM STEEH

WARRIOR LACROSSE, INC.,  
a Michigan corporation, and  
NEW BALANCE ATHLETIC SHOE, INC.,  
a Massachusetts corporation,

Defendants.

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ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE  
A SECOND AMENDED COMPLAINT (#199)

Plaintiff Easton Sports, Inc. moves for leave to file a Second Amended Complaint to add New Balance, Inc. as an additional defendant. Current defendants Warrior Lacrosse, Inc. and New Balance Athletic Shoe, Inc. have not filed a response to the motion. Pursuant to E.D. Mich. Local R. 7.1(e)(2), it is ORDERED that the motion be resolved without oral argument.

Leave to amend a complaint is to be freely granted when justice so requires. See Fed. R. Civ. P. 15(a). See also Fed. R. Civ. P. 21 (providing that parties may be added by order of the court at any stage of an action on terms that are just). Absent bad faith or dilatory motive on the part of the movant, leave to amend should be granted unless the amended claims would not survive a motion to dismiss. Foman v. Davis, 371 U.S. 178, 182 (1962); Sinay v. Lamson & Sessions Co., 948 F.2d 1037, 1041-42 (6th Cir. 1991). Easton's proposed Second Amended Complaint adds only New Balance, Inc. as a new defendant,

and does not add new claims. Warrior Lacrosse, Inc. and New Balance Athletic Shoe, Inc. have not disputed Easton's assertions that no undue prejudice will result from the amendment, that additional discovery is not required by the amendment, and that the current Scheduling Order will not need adjustment as a result of the amendment.

Accordingly,

Easton's motion for leave to file a Second Amended Complaint is hereby GRANTED.

SO ORDERED.

Dated: October 19, 2006

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
October 19, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Deputy Clerk